

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

\* \* \* \* \*

ARY JEWELERS, LLC, ET AL.,  
Plaintiffs

v.

CIVIL ACTION NO.:  
04-10281-EFH

IBJ WHITEHALL BANK & TRUST CO.,  
ET AL.,

Defendants.

\* \* \* \* \*

**O R D E R**

October 11, 2005

HARRINGTON, S.D.J.

In view of the Court's granting of Plaintiff's Motion to File its Second Amended Complaint, Defendants' Motion for Summary Judgment as to the First Amended Complaint is deemed moot.

SO ORDERED.

/s/ Edward F. Harrington  
EDWARD F. HARRINGTON  
United States Senior District Judge